

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

ADRIAN HOYLE,

Plaintiff,

vs.

CAUSE NO.: 3:21-cv-171NBB-RP
JURY DEMANDED

CITY OF HERNANDO, SCOTT WORSHAM,
in his official capacity as Chief of Police of the
Hernando Police Department, OFFICER
LYNN BROWN, Individually and in his
official capacity as a Hernando Police Officer,
and OFFICER HUNTER SOLOMON,
Individually and in his official capacity as a
Hernando Police Officer

Defendants.

PLAINTIFF, ADRIAN HOYLE'S, RESPONSE TO THE MUNICIPAL DEFENDANTS'
MOTION FOR JUDGMENT ON THE PLEADINGS OR, IN THE
ALTERNATIVE, FOR SUMMARY JUDGMENT

COMES NOW, Plaintiff, Adrian Hoyle (hereinafter Hoyle) by and through counsel and files this his Response to the Municipal Defendants' Motion pursuant to FRCP 12(c) or FRCP 56 for Judgment on the Pleadings or, in the Alternative, for Summary Judgment (Doc. No. 12) and Municipal Defendants' Memorandum in Support of Motion for Judgment on the Pleadings or, in the Alternative, for Summary Judgment (Doc. No. 13) and would respectfully state as follows:

1. There is currently an automatic stay in place barring any discovery until ruling on the Defendants' FRCP 12(c) Motion to Dismiss.
2. Filed contemporaneously herewith, are the Memorandum of Facts and Law in Opposition to Defendants' Motion for Judgment on the Pleadings or, in the Alternative, for

Summary Judgment as well as the Affidavit of Jared Zwickey and the Affidavit of Plaintiff, Adrian Hoyle.

3. For all of which, Hoyle, by and through counsel, prays that the Defendants' Motion for Judgment on the Pleadings or, in the Alternative, for Summary Judgment be denied wherein the Defendants seek to have the Plaintiff's cause of action dismissed on the basis of qualified immunity and by extension municipal immunity arising therefrom.

4. Hoyle prays that this Honorable Court reviews Hoyle's Response and attachments thereto as well as the video referred to in Defendants' Answer and adopted in its Motion to Dismiss.

5. In addition thereto, consideration of Jared Zwickey's Affidavit combined with Hoyle's Affidavit, should result in an outright denial of Defendants' Motions.

6. Alternatively, Hoyle prays that the Court lift the automatic stay of Local Rule 16 to permit discovery to obtain additional evidence to place before the Court on the issue of qualified immunity and by extension, municipal immunity.

Respectfully Submitted,

SPARKMAN-ZUMMACH, P.C.

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Certificate of Service

The undersigned certifies that on the 7th day of October, 2021, a copy of the foregoing document was electronically filed with court clerk using the CM/ECF System which sent notification of such filing to all counsel of record.

S/Martin Zummach